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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
JOSEPH R. FRANCIS,  
  
Defendant.

Case No. CR 08-494-SJO

**JOINT STATEMENT RE DOUBLE  
JEOPARDY**

Trial Date: October 14, 2009  
Ctrm.: 880 (Hon. S. James Otero)

As stated by counsel for the government and for the defense at the August 17, 2009 hearing in this matter, jeopardy does not attach until the jury is empaneled and sworn. *See Crist v. Bretz*, 437 U.S. 28, 35 (1978); *United States v. Bonas*, 344 F.3d 945, 950 (9<sup>th</sup> Cir. 2003).

DATED: August 18, 2009

Respectfully submitted,

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